

**Notice of Allowability**

Application No.

10/033,987

Examiner

Ted Kavanaugh

Applicant(s)

BARUCK, GLENN M.

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed Sept. 9, 2004.
2. ☒ The allowed claim(s) is/are 1,5-7,9-18,20-32 and 36-60.
3. ☒ The drawings filed on 28 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required to place this application in condition for allowance. During a telephone conversation conducted on Oct. 6, 2004, Mr. John Augustyn requested to authorization to charge his Deposit Account No. 12-1216 for any fees associated with this application (i.e. fees for the additional claims).

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Augustyn on Oct. 6, 2004.

The application has been amended as follows:

In claims 1 and 31, the phrase ", the front sole is spaced apart from the rear sole" has been entered before the "." (period).

Claim 33 has been cancelled.

The following new claims have been added.

34. The pointe shoe as in claim 1 wherein the front sole is made of leather.
35. The pointe shoe as in claim 1 wherein the rear sole is made of leather.
36. The method as in claim 31 wherein the soles are attached to the upper by sewing.

Art Unit: 3728

37. The method as in claim 31 wherein the soles are attached to the upper by adhesive.
38. The method as in claim 31, wherein the soles are made of leather.
39. The method as in claim 31, wherein the shank is a full shank.
40. The method as in claim 31, wherein the shank is a three-fourths shank.
41. The method as in claim 31, wherein the shank is a one-half shank.
42. The method as in claim 31, wherein the shank is made of redboard
43. The method as in claim 31, wherein the shank is made of leather.
44. The method as in claim 31, further providing a midsole.
45. The method as in claim 44, wherein the midsole is located at the front of the shoe.
46. The method as in claim 44, wherein the midsole is along the length of the shoe.
47. The method as in claim 44, wherein the midsole is made of leather.
48. The method as in claim 44, wherein the midsole is made of redboard.
49. The method as in claim 31, wherein the toe box is made from paper and glue.
50. The method as in claim 31, wherein the toe box is made from paper, glue and fiber material.
51. The method as in claim 31, wherein the toe box is made of plastic.
52. The method as in claim 31, wherein the toe box has a flat tip.
53. The method as in claim 31, wherein the upper is made of satin.
54. The method as in claim 31, wherein the upper includes a lining.
55. The method as in claim 54, wherein the lining is made of cotton.

Art Unit: 3728

- 56. The method as in claim 31, wherein the upper has pleats at the front.
- 57. The method as in claim 31 further providing a binding at the upper edge of the upper.
- 58. The method as in claim 31 further providing a sock liner which is located inside the shoe.
- 59. The pointe shoe as in claim 31, wherein the front sole is made of leather.
- 60. The pointe shoe as in claim 31, wherein the rear sole is made of leather.

### ***Conclusion***


3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Other useful information can be obtained at the PTO Home Page at [www.uspto.gov](http://www.uspto.gov).

Telephone inquiries regarding other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners" M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

In order to avoid potential delays, Technology Center 3700 is encouraging FAXing of responses to Office Actions directly into the Center at (703) 872-9306 **(FORMAL FAXES ONLY)**. Please identify Examiner Ted Kavanaugh of Art Unit 3728 at the top of your cover sheet.

Art Unit: 3728

Any inquiry concerning the MERITS of this examination from the examiner should be directed to Ted Kavanaugh whose telephone number is (703) 308-1244. The examiner can normally be reached from 6AM - 4PM. Starting November 8<sup>th</sup>, 2004 the examiner's telephone number will change to (571) 272-4556.



Ted Kavanaugh  
Primary Examiner  
Art Unit 3728

TK  
October 8, 2004